The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL J. FARGANO,
DAVID C. HILL,
PATRICK J. RICHARDSON
and ROBERT DUNCAN

Appeal No. 2004-1582
Application 09/295,288

ON BRIEF

Before HAIRSTON, DIXON, and GROSS, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 20.

The disclosed invention relates to a system and method of integrating call detail records for the wireless as well as the

wireline portions of a multiple network environment.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A system for integrating call detail records for a multiple network environment, the system comprising:

access manager control logic connected to a wireless network, the access manager control logic being configured to generate a wireless call detail record in response to placement of a wireless call from a call source having an identity;

switching control logic connected to a wireline network, the switching control logic being configured to generate a wireline call detail record; and

an operations support system having call detail record control logic configured to receive the wireless call detail record form [sic, from] the access manager control logic, to receive the wireline call detail record from the switching control logic, and to combine wireless and wireline call detail records that correspond to the same customer into an integrated call record.

The references relied on by the examiner are:

Mirza et al. (Mirza)	5,991,616	Nov. 23, 1999 (filed Oct. 2, 1997)
Friend	6,091,944	July 18, 2000 (effective filing date Mar. 31, 1995)

Claims 1, 2, 5, 6, 8, 9, 11 through 13 and 18 through 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Mirza.

Claims 3, 10, 14 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mirza.

Claims 4, 7, 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mirza in view of Friend.

Reference is made to the briefs (paper numbers 9 and 11) and the answer (paper number 10) for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the anticipation rejection of claims 1, 2, 5, 6, 8, 9, 11 through 13 and 18 through 20, and the obviousness rejections of claims 3, 4, 7, 10 and 14 through 17.

In response to the appellants' argument (brief, pages 7 and 8) that Mirza does not disclose the specifically claimed wireless access manager logic, the examiner states (answer, pages 6 and 7) that:

> It should be noted that even upon a casual reading of Mizra [sic, Mirza] one could not escape the fact that Mizra [sic, Mirza] does indeed combine wireless and wire line call details to generate an integrated call record, as for example in Mizra's [sic, Mirza's] title and abstract. It is further noted that even if Mizra [sic, Mirza] combined all of the logic that performs management, that gathers the call details from the wireless and wire line systems and generates the integrated bill into one processor unit, the claims would not distinguish over Mizra['s] [sic, Mirza's] combined processor. That is, since the claim refers only to "control logic" managing and gathering and generating details and records, the claim does not prohibit the logic being combined into a single

> processor, as the appellant appears to acknowledge by emphasizing in bold print in the brief that reference to the drawings is for illustration only. Therefore even if as appellant alleges the functions were apportioned into different physical structures, the logic would still perform the functions as outlined in the instant claims.

We agree with the examiner that Mirza teaches that an integrated bill can be produced from wireless and wireline billing information. We do not, however, agree with the examiner that the claims on appeal do not "distinguish over" the teachings of Mirza. The claims on appeal do not call for mere "control logic" as argued by the examiner. Rather, the claims specifically call for "access manager control logic" and "switching control logic" that perform different functions in different portions of the integrated wireless and wireline system. As correctly argued by the appellants, Mirza does not disclose "access manager control logic" "configured to generate a wireless call detail record in response to placement of a wireless call from a call source." In the absence of a teaching in Mirza that the logic function performed by the "access manager control logic" and the logic function performed by the "switching control logic" can be combined into a so-called "combined

processor," we find that the examiner's rationale[1] is nothing more than unsupported conclusory statements. In re Lee, 277 F.3d 1338, 1345, 61 USPQ2d 1430, 1435 (Fed. Cir. 2002). Thus, the anticipation rejection of claims 1, 2, 5, 6, 8, 9, 11 through 13 and 18 through 20 is reversed.

The obviousness rejections of claims 3, 4, 7, 10 and 14 through 17 are reversed because the teachings of Friend do not cure the shortcomings in the teachings of Mirza.

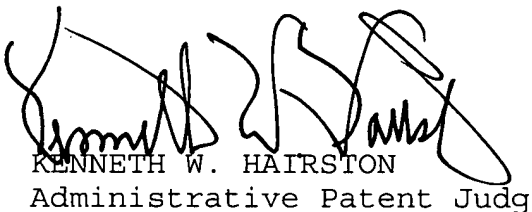
DECISION

The decision of the examiner rejecting claims 1, 2, 5, 6, 8, 9, 11 through 13 and 18 through 20 under 35 U.S.C. § 102(e) is

[1] The examiner's rationale is more akin to an obviousness rejection.

reversed, and the decision of the examiner rejecting claims 3, 4, 7, 10 and 14 through 17 under 35 U.S.C. § 103(a) is reversed.

REVERSED



KENNETH W. HAIRSTON)
Administrative Patent Judge)
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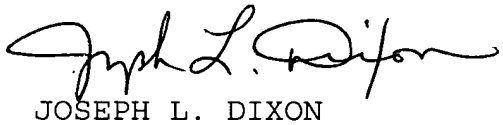
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